

7 March 1975

MEMORANDUM FOR THE RECORD

SUBJECT: OP/Review Staff Opinion - Application of Home Leave Regulations to an Employee Who, Having Taken Home Leave, Resigns within Six Months of His or Her Return to Their Overseas Assignment

Example: John Doe has completed a two year tour overseas and takes Home Leave (HL). After completing his HL he immediately returns to his next O/S assignment and works for two months. At the end of the two months John Doe resigns from the Agency.

Question: Is John Doe required to refund to the Agency his HL (salary earned and charged to HL)?

Opinion : It is the opinion of the OP/Review Staff that John Doe is not required to refund the salary he received while on Home

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Each of these regulations states that John Doe's entitlement to HL is based on his returning to an overseas assignment at the completion of his HL or the intention being that he will return to an overseas assignment at the completion of a tour in the United States. These regulations have a provision that if John Doe does not return to an overseas assignment at the completion of HL and resigns from the Agency within six months of the beginning of his tour in the United States he may be required to refund his HL. The above regulations are conspicuous in the absence of a requirement to refund HL if John Doe returns overseas, as in so doing he has qualified per the entitlement. There is no limitation stated, nor implied, on a period of work being required after the return to the overseas assignment. John Doe has satisfied the requirement to return to an overseas assignment and in our opinion is not required to refund the salary he received while on HL.

Review Staff
Office of Personnel

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